

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	File Nos. EB-05-SE-085
Telenor Satellite, Inc.)	and EB-06-SE-182
)	FRN # 0007673924

ORDER

Adopted: June 20, 2007**Released: June 22, 2007**

By the Chief, Enforcement Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Enforcement Bureau and Telenor Satellite, Inc. ("TSI"). The Consent Decree terminates an investigation initiated by the Enforcement Bureau into whether TSI violated Section 301 of the Communications Act of 1934, as amended,¹ and Sections 25.102(a) and 25.117 of the Commission's rules,² by apparently failing to timely renew its blanket license for Inmarsat-C mobile earth stations, call sign E000284, operating the mobile earth stations after expiration of its license under call sign E000284, and failing to operate a satellite earth station in Santa Paula, California, call sign E980136, within the terms of its authorization.

2. The Enforcement Bureau and TSI have negotiated the terms of a Consent Decree that would resolve this matter and terminate the investigation. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. Based on the record before us, in the absence of new material evidence, we conclude that no substantial or material questions of fact exist with respect to this matter as to whether TSI possesses the basic qualifications, including those related to character, to hold or obtain any FCC license or authorization.

4. After reviewing the terms of the Consent Decree, we find that the public interest will be served by adopting the Consent Decree and terminating the investigation.

5. Accordingly, **IT IS ORDERED** that, pursuant to Section 4(i) of the Act,³ and Sections 0.111 and 0.311 of the Rules,⁴ the Consent Decree attached to this Order **IS ADOPTED**.

6. **IT IS FURTHER ORDERED** that the Enforcement Bureau's investigation **IS TERMINATED**.

¹ 47 U.S.C. § 301.

² 47 C.F.R. §§ 25.102(a) and 25.117.

³ 47 U.S.C. § 154(i).

⁴ 47 C.F.R. §§ 0.111, 0.311.

7. **IT IS FURTHER ORDERED** that TSI shall make its voluntary contribution to the United States Treasury, as specified in the Consent Decree, by credit card through the Commission's Debt and Credit Management Center at (202) 418-1995, or by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank/LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106.

8. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested, to Keith H. Fagan, Senior Counsel, TSI, 1101 Wootton Parkway, Rockville, MD 20852, and to Robert L. Pettit, Esq., Wiley Rein LLP, 1776 K Street, NW, Washington, DC 20006.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Chief, Enforcement Bureau

CONSENT DECREE

The Enforcement Bureau (“Bureau”) of the Federal Communications Commission (“Commission”) and Telenor Satellite, Inc. (“TSI”) hereby enter into this Consent Decree for the purpose of terminating the Bureau’s investigations into whether TSI violated Section 301 of the Communications Act of 1934, as amended,¹ and Sections 25.102(a) and 25.117 of the Commission’s rules,² by apparently failing to timely renew its blanket license for Inmarsat-C mobile earth stations, call sign E000284, operating the mobile earth stations after expiration of its license under call sign E000284, and failing to operate a satellite earth station in Santa Paula, California, call sign E980136, within the terms of its authorization.

I. BACKGROUND

1. On January 19, 2006, during a telephone conversation with International Bureau staff, counsel for TSI became aware that its license for call sign E000284 had expired. On March 14, 2006, the Bureau issued a Letter of Inquiry (“LOI”) initiating an investigation into TSI’s apparent failure to timely renew its license for call sign E000284 and operation of mobile earth stations without authorization after the expiration of its license.³ TSI responded to the LOI on April 11, 2006.⁴

2. Subsequently, in April 2006, counsel for TSI became aware that there was a discrepancy between the licensed and actual operations of call sign E980136, and so informed the International Bureau. On May 23, 2006, the Bureau issued an LOI initiating an investigation into TSI’s apparent failure to operate earth station E980136 within the terms of its authorization.⁵ TSI responded to the LOI on June 23, 2006.⁶

II. DEFINITIONS

3. For the purposes of this Consent Decree, the following definitions shall apply:

- (a) “Act” means the Communications Act of 1934, as amended, 47 U.S.C. §§151 *et seq.*
- (b) “Adopting Order” means an order of the Bureau adopting the terms and conditions of this Consent Decree.
- (c) “Bureau” means the Enforcement Bureau of the Federal Communications Commission.
- (d) “Commission” and “FCC” mean the Federal Communications Commission.
- (e) “Effective Date” means the date on which the Bureau releases the Adopting Order.
- (f) “Investigations” means the investigations initiated by the Bureau’s March 14, 2006 and May 23, 2006 Letters of Inquiry.
- (g) “Parties” means TSI and the Bureau.

¹ 47 U.S.C. § 301.

² 47 C.F.R. §§ 25.102(a) and 25.117.

³ Letter from Kathryn S. Berthot, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, to Telenor Satellite, Inc. (March 14, 2006).

⁴ Letter from Robert L. Pettit, Counsel, Telenor Satellite, Inc., to Thomas D. Fitz-Gibbon, Attorney, Spectrum Enforcement Division, Enforcement Bureau (April 11, 2006).

⁵ Letter from Kathryn S. Berthot, Deputy Chief, Spectrum Enforcement Division, Enforcement Bureau, to Telenor Satellite, Inc. (May 23, 2006).

⁶ Letter from Robert L. Pettit, Counsel, Telenor Satellite, Inc., to Thomas D. Fitz-Gibbon, Attorney, Spectrum Enforcement Division, Enforcement Bureau (June 23, 2006).

- (h) “Rules” means the Commission’s Rules found in Title 47 of the Code of Federal Regulations.
- (i) “TSI” means Telenor Satellite, Inc., its subsidiaries, affiliates and any successors or assigns.

III. TERMS OF AGREEMENT

4. The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Bureau by incorporation of such provisions by reference in the Adopting Order.

5. The Parties agree that this Consent Decree does not constitute either an adjudication on the merits or a factual or legal finding or determination regarding any compliance or noncompliance by TSI with the requirements of the Act or the Commission’s Rules and orders. The Parties further agree that this Consent Decree is for settlement purposes only and that, by agreeing to this Consent Decree, TSI does not admit or deny liability for violating any statute, regulation, or administrative rule in connection with matters that are the subject of this Consent Decree.

6. The Parties agree that this Consent Decree shall become binding on the Parties on the Effective Date. Upon release, the Adopting Order and this Consent Decree shall have the same force and effect as any other final order of the Commission and any violation of the terms or conditions of this Consent Decree shall constitute a violation of a Commission order.

7. The Parties acknowledge and agree that this Consent Decree shall constitute a final and binding settlement between TSI and the Bureau regarding possible violations of the Act and the Rules with respect to the matters that were the subject of the Investigations prior to the Effective Date of this Consent Decree.

8. In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of scarce public resources, the Bureau agrees to terminate its Investigations into whether TSI may have violated the Act or the Rules with respect to the matters that were the subject of the Investigations prior to the Effective Date of this Consent Decree.

9. In consideration for termination by the Bureau of the Investigations and in accordance with the terms of this Consent Decree, TSI agrees to the terms set forth herein.

10. TSI acknowledges that the Bureau has jurisdiction over the matters contained in this Consent Decree and the authority to enter into and adopt this Consent Decree.

11. TSI will implement a Federal Communications Commission Compliance Plan (“FCC Compliance Plan”) related to TSI’s future compliance with the Act, the Commission’s Rules, and the Commission’s orders. The FCC Compliance Plan will include, at a minimum, the following components:

- (a) **FCC Compliance Procedures.** TSI shall develop and update as necessary appropriate FCC Compliance Procedures. Relevant TSI personnel shall be trained on the FCC Compliance Procedures and shall be required to follow them. The FCC Compliance Procedures will, among other things, include procedures ensuring the timely renewal of all licenses and authorizations, as well as periodic audits to ensure that all earth stations are properly licensed and are being operated in accordance with the terms of their authorizations.
- (b) **Review and Monitoring.** TSI will review the FCC Compliance Plan annually to ensure that it is maintained in a proper manner and continues to address the objectives set forth therein.

12. TSI agrees that its operation of the above-referenced earth stations on and after the Effective Date of this Consent Decree shall be compliant with the Act, the Commission's Rules, and the terms of its authorizations for such earth stations.

13. The Bureau agrees that, in the absence of new material evidence, it will not entertain or institute, or use the facts developed in the Investigations or the existence of this Consent Decree to institute, on its own motion, any new proceeding, formal or informal, nor take any action on its own motion, or recommend to the full Commission any forfeiture or other sanction, against TSI for any alleged violation of the Act or the Rules with respect to its operation of the above-referenced earth stations prior to the Effective Date of this Consent Decree. The Bureau further agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date to initiate on its own motion, or recommend to the Commission, any proceeding, formal or informal, or take any action on its own motion against TSI with respect to TSI's basic qualifications to hold Commission licenses or authorizations. Nothing in this Consent Decree shall prevent the Commission from instituting investigations or enforcement proceedings against TSI in the event of any other alleged misconduct that violates this Consent Decree or that violates any provision of the Act or the Rules.

14. The Parties agree that each is required to comply with each individual condition of this Consent Decree. Each specific condition is a separate condition of the Consent Decree as approved. To the extent that TSI fails to satisfy any condition, in the absence of Commission alteration of the condition, it will be deemed noncompliant and may be subject to possible future enforcement action with respect to such failure to satisfy the condition.

15. The Parties agree that TSI's obligations under the Consent Decree shall expire twenty-four (24) months after the Effective Date of the Consent Decree.

16. TSI agrees that it will make a voluntary contribution to the United States Treasury in the amount of Fifty Thousand Dollars (\$50,000) within 30 calendar days after the Effective Date. Such contribution shall be made, without further protest or recourse, by credit card through the Commission's Debt and Credit Management Center at (202) 418-1995, or by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank /LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106. The payment should reference NAL/Acct. No. 200732100037 and FRN # 0007673924.

17. TSI's decision to enter into this Consent Decree is expressly contingent upon the Bureau's issuance of an Adopting Order that is consistent with this Consent Decree and that adopts the Consent Decree without change, addition, modification, or deletion.

18. The Parties waive any and all rights they may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order, provided that the Adopting Order adopts the Consent Decree without change, addition, modification, or deletion.

19. In the event that this Consent Decree is rendered invalid by any court of competent jurisdiction, this Consent Decree shall become null and void and may not be used in any manner in any legal proceeding.

20. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Adopting Order, neither TSI nor the Commission shall contest the continuing validity of this Consent Decree or the Adopting Order. The Parties agree to comply with, defend and

support the validity of this Consent Decree and the Adopting Order in any proceeding seeking to nullify, void, or otherwise modify the Consent Decree or the Adopting Order.

21. The Parties agree that any provision of this Consent Decree that conflicts with any subsequent rule, order of general applicability or other decision of general applicability adopted by the Commission will be superseded by such Commission rule, order or other decision.

22. TSI waives any rights it may have under any provision of the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 *et seq.*, relating to the matters addressed in this Consent Decree.

23. This Consent Decree cannot be modified without the advance written consent of both Parties.

24. This Consent Decree may be signed in counterparts.

For the Enforcement Bureau:

For Telenor Satellite, Inc.:

Kris Anne Monteith
Chief, Enforcement Bureau

Barbara L. Spencer
General Counsel

Date

Date